

MM 97-128 RECEIVED

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APR 30 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

HARRY F. COLE

April 30, 1993

TELECOPIER  
(202) 833-3084

HAND DELIVERED

Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W. - Room 222  
Washington, D.C. 20554

Re: Request of Martin W. Hoffman, Trustee in Bankruptcy, for  
Extension of Authority to Keep Station WHCT-TV, Hartford,  
Connecticut Off The Air

Dear Ms. Searcy:

I am writing to supplement my letter, filed April 27, 1993, with respect to the above-referenced matter. In that letter, at footnote 2, I noted that the only "asset" which Mr. Hoffman, the Trustee in Bankruptcy, arguably has to sell is a leasehold interest in the presently authorized transmitter site of Station WHCT-TV. Since filing my letter, I have received a copy of the attached "Motion for Reconsideration" filed by Mr. Hoffman with the Bankruptcy Court. As recited at Paragraph 6 of that Motion, the lessor of the transmitter site has apparently served on Mr. Hoffman a "Notice of Lease Termination and Lease Termination", presumably pursuant to the clause of the lease which provides for termination of the lease within 90 days by either party thereto.

In view of the apparent fact that notice has been given and the transmitter site lease effectively terminated, Mr. Hoffman appears at this point to have nothing to transfer but the station's license. As discussed in my letter of April 27, 1993, such a transfer is prohibited by longstanding Commission policy.

Of course, as reflected by the attached "Motion for Reconsideration", Mr. Hoffman is attempting to annul the notice of termination. But even if he continues to pursue that effort, it is clear at a minimum that additional litigation -- and, therefore, additional delay -- would be encountered before this matter could be finally resolved.

All of these factors strongly underscore the propriety of granting the relief requested in my letter of April 27, 1993.

Sincerely,

  
Harry F. Cole

Counsel for Shurberg Broadcasting  
of Hartford

cc (w/enc.): Barbara Kreisman, Chief  
Clay Pendarvis, Chief  
Martin W. Hoffman, Esquire

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APR 30 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT

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IN THE MATTER OF:

CHAPTER 7 PROCEEDING

ASTROLINE COMMUNICATIONS COMPANY  
LIMITED PARTNERSHIP,

CASE NO. 88-21124

DEBTOR  
-----

ASTROLINE CONNECTICUT, INC.,

Movant

Motion No.

v.

MARTIN W. HOFFMAN, TRUSTEE,

Defendant  
-----

April 26, 1993

MOTION FOR RECONSIDERATION

Martin W. Hoffman, the duly appointed, qualified and acting Trustee of the above-captioned estate, hereby moves, pursuant to Local Rule of Civil Procedure 9(e), for the Court to reconsider its oral order entered on April 15, 1993 granting Astroline Connecticut, Inc. relief from the automatic stay to file notice of termination of the Lease of 376 Deercliff Road, Avon and West Hartford, Connecticut between the Debtor and Astroline Connecticut, Inc. In support thereof, the Trustee represents the following:

1. On April 14 and 15, 1993, a hearing was held before the Court on the Trustee's Motion for Approval of Assumption

and Assignment of Non-Residential Real Property Lease; Trustee's Motion to Extend Time to Assume or reject Executory Contract; Trustee's Notice of Sale and Opportunity to make Higher Offer; Astroline Connecticut, Inc.'s Motion to Compel Trustee to Reject Lease; and Objections to the Sale by Robert & Martha Rose, Alan Shurberg, Astroline Connecticut, Inc., and Milton Hathaway.

2. On the second day of said hearing, the Court entered a preliminary order approving the assumption of the Lease of 376 Deercliff Road by the Trustee conditioned upon subsequent assignment, and also granted Astroline Connecticut, Inc. relief from the automatic stay upon the oral motion of its counsel, Robert A. Izard, Esq., and over the objection of the Trustee.

3. No formal, written motion for relief from the automatic stay was before the Court.

4. The Trustee did not receive any prior notice of the oral motion for relief from stay in violation of 11 U.S.C. § 362(d)(2) and F.R.B.P. 4001(a).

5. Astroline Connecticut, Inc. made no showing by affidavit or verified motion that immediate and irreparable injury, loss, or damage will result to Astroline Connecticut, Inc. should relief from stay not be granted. See F.R.B.P. 4001(a)(2).

6. The Trustee was not given an opportunity to argue against the oral motion for relief from stay.

7. On or about April 21, 1993, Astroline Connecticut, Inc. allegedly sent a "Notice of Lease Termination and Lease Termination" to the Trustee, which act would otherwise be in violation of the automatic stay.

WHEREFORE, Martin W. Hoffman, Trustee, respectfully requests that the Court reconsider its oral Order granting Astroline Connecticut, Inc. relief from the automatic stay, and enter an Order revoking the prior oral Order and declaring that all actions by Astroline Connecticut, Inc. subsequent to the oral Order in violation of the automatic stay be declared null and void, and any other further relief as is just.

MARTIN W. HOFFMAN,  
TRUSTEE

BY Martin W. Hoffman  
Martin W. Hoffman, Esq.  
Attorney for the Trustee  
50 Columbus Blvd.  
Hartford, CT 06106  
Tel. (203) 525-4287  
Fed. Bar #ct06735

CERTIFICATION

I hereby certify that a copy of the foregoing was sent by first class mail, postage prepaid, this 26th day of April, 1993 to the following:

Thomas A. Gugliotti, Esq.  
Schatz & Schatz, Ribicoff & Kotkin  
90 State House Square  
Hartford, CT 06103

Robert A. Iazard, Esq.  
Robinson & Cole  
One Commercial Plaza  
Hartford, CT 06103  
(Atty for Astroline Conn,  
Inc.)

Eric Small, Esq.  
Office of the U.S. Trustee  
James English Building  
105 Court Street, Suite 402,  
New Haven, CT 06510

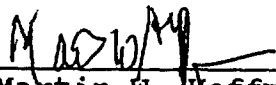
Astroline Connecticut,  
Inc.  
c/o Robert A. Iazard, Esq.  
One Commercial Plaza  
Hartford, CT 06103

Two If By Sea Broadcasting Co.  
22720 S.E. 410th Street  
Enumclaw, WA 98022  
(Attn. Mike Parker, Pres.)

Eric Kravetz, Esq.  
Brown, Nietert & Kaufman  
Suite 660  
1920 N. Street, N.W.  
Washington, DC 20036  
(Atty. for Two If By Sea  
Broadcasting Co.)

Myles H. Alderman., Jr., Esq.  
Alderman & Alderman  
One Corporate Center  
Hartford, CT 06103  
(Atty. for Shurberg Broadcasting)

Lewis K. Wise, Esq.  
Rogin, Nassau, Caplan, Lassman & Hirtle  
CityPlace,  
Hartford, CT 06103  
(Counsel for the Roses)

  
\_\_\_\_\_  
Martin W. Hoffman

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT

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IN THE MATTER OF:

CHAPTER 7 PROCEEDING

ASTROLINE COMMUNICATIONS COMPANY  
LIMITED PARTNERSHIP,

CASE NO. 88-21124

DEBTOR  
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ASTROLINE CONNECTICUT, INC.,

Movant

Motion No.

v.

MARTIN W. HOFFMAN, TRUSTEE,

Defendant  
-----

ORDER

Upon the Trustee's Motion for Reconsideration having been presented to the Court, it is

ORDERED that the oral Order dated April 15, 1993 granting Astroline Connecticut, Inc. relief from the automatic stay is hereby revoked, and it is further

ORDERED that actions taken by Astroline Connecticut, Inc. subsequent to the revoked oral Order in violation of the automatic stay are hereby declared null and void.

Dated at Hartford, Connecticut this       day of April, 1993

\_\_\_\_\_  
ROBERT L. KRECHEVSKY  
CHIEF BANKRUPTCY JUDGE